

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

RODNEY SCHREIB,

Plaintiff,

vs.

THE BOEING COMPANY,

Defendant.

Case No.: 2:18-cv-1176

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant The Boeing Company, hereby remove the above-entitled action to the United States District Court for the Western District of Washington.

In support thereof, Defendants state as follows:

1. Plaintiff commenced this civil action in the Superior Court of the State of Washington in and for the County of Snohomish by serving Defendant with a Summons and Complaint asserting claims of violation of the Washington Human Rights Act for disability discrimination and retaliation. Plaintiff subsequently filed and served an Amended Complaint that is substantially the same as the original Complaint. In both the Complaint and Amended Complaint, all claims are asserted under Washington law. A true and correct copy of Plaintiff's Amended Complaint and Summons are attached as Exhibit A and Exhibit B respectively to this Notice of Removal. Plaintiff served Defendant with the Summons and Amended Complaint on July 23, 2018.

2. Removal of this matter is proper under 28 U.S.C. §1441(a), which provides:

Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

The Court Has Diversity Jurisdiction Over This Matter

3. This Court has diversity jurisdiction over this matter. 28 U.S.C. § 1332(a)(1) provides federal district courts with “original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between citizens of different States....”

4. As required, there is complete diversity as to all parties.

5. According to Plaintiff’s Amended Complaint, Plaintiff is a resident of Skagit County, Washington.

6. The Boeing Company is a Delaware corporation with its corporate headquarters and principal place of business in Chicago, Illinois at the time Plaintiff commenced this action and at the time of removal. For purposes of 28 U.S.C. § 1332(a)(1), The Boeing Company is deemed to be a citizen of Delaware and Illinois. *See* § 1332(c)(1); *see also Hertz Corp. v. Friend*, 559 U.S. 77, 92 – 93 (2010).

8. Accordingly, there is complete diversity of citizenship between the parties, as contemplated by 28 U.S.C. §§ 1332(a) and 1441(b).

The Amount in Controversy Requirement is Satisfied

9. The Complaint does not assert a specific amount of damages. *See* Amended Complaint, attached as Exhibit A. However, Plaintiff’s Amended Complaint seeks relief for back pay with interest, in amounts to be established at trial as well as “other and further relief as the Court deems appropriate.” Plaintiff’s Amended Complaint further requests attorney fees and costs, prejudgment interest, compensation for any tax penalties associated with recovery, and

1 “whatever further and additional relief the Court shall deem just and equitable.” Boeing
2 terminated Plaintiff’s employment in March 2016, which means Plaintiff is seeking more than
3 two years of backpay at the time his action was filed, and will be seeking more than three years
4 of backpay if this matter is resolved a trial. Plaintiff’s annual pay at Boeing was approximately
5 \$86,050. *See* Declaration of Erica Loud at 5. Thus, if Plaintiff were to successfully establish
6 that his employment was wrongly terminated and that he was entitled to back pay with interest,
7 an award for lost wages, future wages, emotional distress, attorneys’ fees and other damages
8 would be well in excess of the minimum jurisdictional amount of \$75,000.

9 **All Procedural Requirements Are Satisfied**

10 10. Plaintiff served The Boeing Company with the Amended Complaint on July 23,
11 2018. Accordingly, this Notice of Removal has been filed within 30 days of service of a copy of
12 the initial pleading setting forth the claim for relief upon which this action is based, and is
13 therefore timely. *See* 28 U.S.C. § 1446(b).

14 11. Pursuant to 28 U.S.C. § 1441 et seq., the right exists to remove this case from the
15 Superior Court of the State of Washington in and for the County of Snohomish, to the United
16 States District Court for the Western District of Washington, which embraces the place where
17 this action is pending. This Court is a proper venue for this action because the United States
18 District Court for the Western District of Washington embraces the county in which the state
19 court action is now pending. *See* 28 U.S.C. § 128(b); 28 U.S.C. § 1391(b).

20 12. No previous application has been made for the relief requested herein.

21 13. Pursuant to 28 U.S.C. § 1446, attached hereto is a copy of the Amended
22 Complaint (Exhibit A), the Summons, the Complaint (Exhibit B), and Case Information Cover
23 Sheet (Exhibit C). Counsel for the Defendant hereby verifies that these Exhibits, along with this
24 Notice of Removal, are true and complete copies of all the process, pleadings and orders served
25 upon it in this action.

26 14. Written notice of the filing of this Notice of Removal will be served on Plaintiff

1 as required.

2 15. A true and correct copy of this Notice of Removal will be filed with the clerk of
3 the Superior Court of the State of Washington in and for the County of Snohomish, as required.

4 WHEREFORE, Defendants hereby removes this case from the Superior Court of the
5 State of Washington in and for the County of Snohomish, where it is now pending, to this Court.

6
7 Dated: August 10, 2018.

OGLETREE, DEAKINS, NASH, SMOAK & STEWART,
P.C.

8 /s/ Laurence A. Shapero

9 Laurence A. Shapero, WSBA #31301

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13 *Attorneys for Defendant*

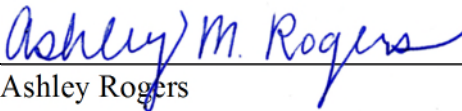
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CERTIFICATE OF SERVICE

I hereby certify that on the date below written, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and caused to be served a true and correct copy of same by the method indicated below and addressed as follows:

Reid E Meyers WSBA #51751
1101 8th St.
Anacortes WA 98221
Phone: 210.415.1070
Email: reidmeyers@sbcglobal.net

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 10, 2018, in accordance with 28 USC 1746



Ashley Rogers

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